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JAMES H. McKENNEY,
Clerk.

Supreme Court

OF THE UNITED STATES.

IN THE MATTER

OF

The Petition of LI SING for a Writ of Certiorari.

PETITION.

W. C. BEECHER,
Attorney for Petitioner-Appellant,
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New York City.

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Telephone, 192 Cortlandt.
1899.

Supreme Court

OF THE UNITED STATES.

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The Petition of LI SING for a Writ of Certiorari.

To the Supreme Court of the United States:

The petition of Li Sing respectfully shows:

That he is a person of the Chinese race and a natural born subject of the Emperor of China and is now and has been for eleven years a resident of the United States and of no other country, having his domicile in the City of Newark, State of New Jersey, where during all the time aforesaid he has been a merchant engaged in the wholesale and importing business, being a member of the Sam Palmer Company, a firm of Chinese merchants having its place of business in the City and State aforesaid. In the month of June, 1893, your petitioner left the United States for the purpose of temporarily visiting his friends and relatives in China, your petitioner having the full purpose and intent of returning to and resuming his home in the United States in the City and State aforesaid. At the time of his departure from this country your

petitioner procured satisfactory evidence of his status in the United States as a merchant in the form of a certificate under the regulations in that regard adopted July 3d, 1890. At the Port of Hong Kong your petitioner procured this said certificate to be duly countersigned by the representative of the United States. Thereafter your petitioner left China to return to the United States and on the 27th day of August in the year 1896, applied for admission into the United States and presented the proofs of his status in the United States, as a merchant to one, Porter, Deputy Collector of Customs at the Port of Malone, State of New York. Said Collector of Customs after examining and cancelling the certificates and papers of identification presented to him by your petitioner admitted their sufficiency and that your petitioner was entitled to the protection of the Treaty between the United States and China, concluded July 28th, 1868, and the Supplemental Treaty concluded November 17th, 1880, and the Act of Congress entitled "An Act to Execute Certain Treaty Stipulations relating to Chinese," approved May 6th, 1882, as amended July 5th, 1884, and allowed your petitioner to re enter the United States. Your petitioner thereupon returned to the City of Newark, State of New Jersey aforesaid, and resumed his occupation as a merchant with said firm of Sam Palmer Company. Thereafter upon the complaint of one J. T. Scharf, the Chinese inspector for the Port of New York, your said petitioner was arrested and charged with being unlawfully within the United States. Thereafter proceedings were had before the Honorable John A. Shields, a Commissioner of the United States and your petitioner was committed on said charge. Thereafter by his counsel William C. Beecher, residing at No. 123 Columbia Heights in the City of New York, Borough of Brooklyn, State of New York, and having his office at Number 237 Broad-

way in the same city, Borough of Manhattan, and on the twenty-fourth day of June, 1897, your petitioner obtained a writ of habeas corpus directed to the Marshal of the United States for the Southern District of New York and allowed by the Honorable E. Henry Lacombe of the United States Circuit Court, Southern District of New York and on the same day a writ of certiorari directed to the Honorable John A. Shields, United States Commissioner for the Southern District of New York and allowed by Honorable E. Henry Lacombe aforesaid.

Thereafter and on the eighteenth day of August, 1897, an order was entered in the above-mentioned Court dismissing the said writ of habeas corpus and remanding your petitioner to the custody of the United States Marshal for the Southern District of New York for deportation.

Your petitioner applied for an allowance of an appeal to the United States Circuit Court of Appeals for the Second Circuit and on the nineteenth day of August, 1897, his application was granted and such appeal allowed by Honorable E. Henry Lacombe aforesaid and on the twenty-fourth day of August, 1897, assignment of error herein was duly made and filed with the clerk of the Circuit Court aforesaid by your petitioner's counsel aforesaid.

Thereafter and on the twenty-ninth day of April 1898, an order was entered in the said United States Circuit Court of Appeals for the Second Circuit affirming the decision of the Circuit Court aforesaid and directing that a mandate issue to the Circuit Court of the United States for the Southern District of New York accordingly.

The settlement of a proposed order on this mandate remanding your petitioner to the custody of the United States Marshal for deportation, as your petitioner is informed by his attorney, has been adjourned to the thirtieth day of January, 1899,

and your petitioner is now under bonds to appear before the Circuit Court aforesaid at that time.

Your petitioner is advised by his attorney, William C. Beecher, who resides as aforesaid and is a counsellor of this Court that the restraint and detention under which your petitioner suffers is illegal and unauthorized and that the said United States Circuit Court of Appeals for the Second Circuit has erred in its proceedings and determination.

Wherefore your petitioner prays for a writ of certiorari for the purpose of reviewing the proceedings and determination of the said United States Circuit Court of Appeals for the Second Circuit, and of delivering and discharging your petitioner from restraint.

William C. Beecher
Atty for Petitioner

his
Li X Sing
mark

City and County of New York, ss.:

Li Sing, being duly sworn, deposes and says that he is the petitioner herein, that he has had the foregoing petition read to him and knows the contents thereof and that the same is true of his own knowledge except as to those matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

Sworn to before me this
7th day of January 1899.
Richd B. Kelly
Notary Public
N.Y. Co.

his
Li X Sing
mark.